

Introduced by Senator Kehoe

February 19, 2010

An act to amend Section 8685.9 of the Government Code, relating to disaster assistance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1290, as introduced, Kehoe. Disaster assistance: certification.

Existing law, the California Disaster Assistance Act, limits the state share for any eligible project to no more than 75% of total state eligible costs, except that the state share may be up to 100% for costs connected with certain events only if the local agency has adopted a local hazard mitigation plan in accordance with specified federal law.

This bill would additionally require, in response to a fire disaster, a local agency, as defined, on or after January 1, 2012, to choose whether or not to obtain and pay the actual costs for a certification by the Director of Forestry and Fire Prevention to be eligible to receive a percentage for a state share in excess of 75%. This bill would require the Director of Forestry and Fire Prevention to specify the possible percentage a local agency may receive in excess of the 75% based upon certain criteria and regulations to be promulgated by the director on or before July 1, 2011.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8685.9 of the Government Code is
- 2 amended to read:

1 8685.9. (a) Notwithstanding any other provision of law,
2 including Section 8686, for any eligible project, the state share
3 shall not exceed 75 percent of total state eligible costs unless the
4 local agency is located within a city, county, or city and county
5 that has adopted a local hazard mitigation plan in accordance with
6 the federal Disaster Mitigation Act of 2000 (P.L. 106-390) as part
7 of the safety element of its general plan adopted pursuant to
8 subdivision (g) of Section 65302. In that situation, the Legislature
9 may provide for a state share of local costs that exceeds 75 percent
10 of total state eligible costs.

11 (b) (1) *Notwithstanding any other provision of law, for any*
12 *eligible project that is in response to a fire disaster, and including*
13 *the requirements of subdivision (a), the state share shall not exceed*
14 *75 percent of total state eligible costs unless the local agency*
15 *chooses to obtain a certification by the Director of Forestry and*
16 *Fire Prevention that the local agency was in compliance with all*
17 *of the following requirements at the time of the fire disaster:*

18 (A) *The local agency had at least one of the following for each*
19 *state responsibility area within its jurisdiction:*

20 (i) *Its own structural fire protection services.*

21 (ii) *A contract providing structural fire protection services by*
22 *the Department of Forestry and Fire Protection that requires all*
23 *state costs to provide structural fire protection be included in the*
24 *contract, including, but not limited to, salaries and wages, benefits,*
25 *retirement, distributed administrative costs, workers'*
26 *compensation, equipment, and costs associated with entering into*
27 *the contract.*

28 (iii) *Structural fire protection services from another local*
29 *agency.*

30 (B) *The local agency was in compliance with Chapter 6.8*
31 *(commencing with Section 51175) of Part 1 of Division 1 of Title*
32 *5.*

33 (C) *If a local agency had land designated as a very high fire*
34 *hazard severity zone or state responsibility area within its*
35 *jurisdiction, the local agency had a fire risk reduction public*
36 *education program that may include, but not be limited to,*
37 *recommendations for ignition-resistant landscaping, creating and*
38 *maintaining defensible space around homes and other structures,*
39 *and ignition-resistant construction principles.*

1 (2) (A) A certification by the Director of Forestry and Fire
2 Prevention shall include the specific percentage for the possible
3 state share in excess of 75 percent based on the quality of
4 compliance with all of the requirements of paragraph (1).

5 (B) If the Director of Forestry and Fire Prevention is unable to
6 complete an evaluation of a local agency's compliance with the
7 requirements of paragraph (1) for any reason other than the failure
8 of the local agency to provide necessary information in a timely
9 manner, then the local agency is deemed to be in compliance with
10 all of the requirements of paragraph (1) and certified for 100
11 percent of the possible state share.

12 (3) The Director of Forestry and Fire Prevention shall adopt
13 regulations on or before July 1, 2011, to specify the standards for
14 meeting the requirements of this subdivision that result in the
15 certification of a percentage for the possible state share in excess
16 of 75 percent. The regulations shall specify objective criteria for
17 determining a local agency's compliance with this subdivision.
18 The regulations shall set forth an administrative appeals process
19 for a local agency to challenge the certification or denial of
20 certification by the Director of Forestry and Fire Prevention.

21 (4) Paragraphs (1) and (2) shall apply to any local agency on
22 or after January 1, 2012.

23 (5) For purposes of this subdivision, the following definitions
24 shall apply:

25 (A) "Local agency" means any city, city and county, county,
26 county office of education, community college district, school
27 district, special district, or other political subdivision of the state.

28 (B) "Structural fire protection services" means the protection
29 of homes or other structures from fire.

30 (6) If a local agency chooses to obtain a certification under this
31 subdivision, the local agency shall pay to the Department of
32 Forestry and Fire Prevention all actual costs for the Director of
33 Forestry and Fire Prevention to issue the certification from any
34 disaster assistance funds provided by the state that are related to
35 the fire disaster for which the local agency sought certification.